

what extent, if at all, is this right limited after a writ has been issued?

Is there any *minimum* limit to the fee which a counsel may charge in non-contentious business?

As the subject of fusion has lately been brought into prominence, it seems eminently desirable that the bar should know what its real position is before being called upon to decide so momentous a question.

I propose to publish this letter and your reply for the benefit of the profession.

Yours faithfully,

ROBERT YERBURGH.

Dear Mr. Yerburgh,—....The matters to which you refer are not governed by any written rule, but by the practice and tradition of the profession, which have, I believe, been recognised from time immemorial.

It is essential to keep in view throughout the distinction between contentious and non-contentious business.

With reference to contentious business, in my opinion neither before nor after litigation is commenced should a barrister act or advise without the intervention of a solicitor. One very grave reason for this rule is obvious. In contentious business, which frequently affects the rights of other persons, it is most important that the facts should be as far as possible accurately ascertained before advice is given. For this purpose, as a barrister cannot himself make proper inquiry as to the actual facts, it is essential that he should be able to rely on the responsibility of a solicitor as to the statement of facts put before him.

As regards non-contentious business the case is, in my opinion, somewhat different. It is scarcely possible to state the rule in a way which will be absolutely accurate under all circumstances, but, speaking generally, there is, in my opinion, no objection to a barrister seeing and advising a lay client, without the intervention of a solicitor, upon points relating to the lay client's own personal conduct or guidance, or the management or disposition of his own affairs or transactions. I only desire to add that great care should be exercised by members of the bar who do advise lay clients, to abstain

from advising upon matters which are, in effect, of a contentious character.

As regards the fee in cases in which counsel are willing to advise a lay client under the circumstances to which I have referred, I know of no rule beyond this—that no junior should accept a fee of less than 1*l.* 3*s.* 6*d.*, and no leader of less than 2*l.* 4*s.* 6*d.*

I am yours very faithfully,

RICHARD E. WEBSTER.

Robert Yerburgh, Esq., M.P.

BETWEEN CAB AND TRAIN.

Man in the nineteenth century may well take rank, if not as a migratory, as a travelling animal, and all over the world where English is read—that is almost everywhere—the views of his constitutional rights as pronounced upon by the highest Court of the most ardent of the travelling nations will be read with the deepest interest. There are few persons old enough to walk who will not appreciate the tale told in *The Great Western Railway Company v. Bunch*, 57 Law J. Rep. Q. B. 36, as reported in the House of Lords in the July number of the *Law Journal Reports*. On the afternoon of December 24, 1884, Mr. and Mrs. Bunch were bent on making the journey from London to Bath, so as to spend Christmas Eve with their friends in the country. It could be done by catching the five o'clock train, and, like a prudent wife, Mrs. Bunch arrived at Paddington forty minutes before with what must be admitted very moderate luggage for two—a portmanteau, a Gladstone bag, and the inevitable hamper. The portmanteau and hamper were labelled and put on a trolley. The Gladstone bag she directed the porter to put into the carriage with her, and thereupon, to use the graphic rendering of what passed by Lord Bramwell, the following colloquy took place between Mrs. Bunch and the porter: "Will it be safe?" "Oh, yes, I will look after it." On this assurance Mrs. Bunch went to find her husband, who arrived about the same time and had meanwhile contributed his full share to the starting of the expedition, for he had taken a through ticket from Moorgate Street to Bath for himself and a ticket from Paddington for